

## REMARKS

Claim 10 has been rejected under 35 U.S.C. 112 second paragraph as being indefinite. The Examiner has found usage of the term "all" to create ambiguity. In accordance with the Examiner's interpretation, that term has been deleted.

Claims 1 and 10 have been rejected under 35 U.S.C 102(b) as being anticipated by Rivera et al '288. Claims 1, 15 and 16 have been rejected as being unpatentable over the combination of Rivera et al '288 in view of Chen et al '418, while all remaining claims have been rejected as being unpatentable over the combination of Rivera and Chen in further view of other secondary references.

Claim 10 defines the invention in terms of a building having a floor plate and a lift shaft extending above the floor plate, in which the lift shaft has a base with an underside lying at the same level as the underside of the floor plate and having an upper surface lying at a level above the underside of the floor plate but below the upper side of the floor plate. In rejecting claim 10, the Examiner asserts that Rivera et al discloses a building floor plate with undersides and upper sides and a lift comprising a three-dimensional body. He then asserts that the lift shaft or hoistway 26 extends above the floor plate with a lift shaft base 24 having an underside lying at the same level as the underside of the floor plate and an upper surface lying at a level above the underside of the floor plate but below the upper side of the floor plate, as shown in Figures 1-4.

Most respectfully, the Figures of Rivera et al do not show the construction identified by the Examiner. While drawings indicating the differences were included in the prior Amendment dated December 18, 2006, (not commented upon or disputed by the Examiner) enclosed herewith is a marked-up copy of Figure 4 of Rivera et al identifying the elements that the Examiner has identified. As may be seen, the under side of the lift shaft base (A) does not lie at the same level as the underside of floor plate (C). Nor does the upper surface of the shaft base (B) lie at a level above the underside of the floor plate (C). Rather, both the underside and the upper surface of the lift shaft base are both below the underside of the floor plate. The Examiner is requested to provide a clear explanation for his contention that the construction of Rivera et al is otherwise different.

Claim 10 is allowable over the art of record.

Turning next to independent claims 1 and 14, the Examiner asserts that while Rivera et al does not teach an inverted U-shape frame with an open bottom, Chen et al '418 teaches a support body with an inverted U-shape frame having an open bottom, and that it would be obvious to one of ordinary skill in the art to make Rivera's support body with an open bottom as taught by Chen to facilitate the construction thereof. Applicants respectfully disagree with such a conclusion. Firstly, Chen et al '418 does not disclose a U-shape frame with an open bottom; the bottom of the frame is in fact closed by means of the two lower platforms 24 linking the two side posts 22 together. Both the side parts and lower platforms are part of a unitary construction and cannot properly be dissected or separated. In addition, Rivera teaches a lift in which the lift cage is laterally attached to a support body. The support body in turn is guided by guide rails arranged on the same side of the lift cage; the lift cage assembly thus being eccentrically suspended from the rails. Thus, one skilled in the art would **not** be led to combine the Rivera design with a frame of a lift design as shown in Chen et al '418 having a lift cage arranged centrally between two vertical posts of a cage frame. Chen's cage frame is guided by guide rails arranged on opposing sides of the lift cage corresponding to the positions of the side posts 22. As Rivera's support body is arranged laterally, the closed bottom is an integral portion of the support therefor. Rather than the conclusion drawn by the Examiner, Chen et al would rather suggest the further bulking-up of a bottom frame to mock or mimic the construction of the upper frame as shown in Chen et al. It is only with the hindsight gleaned from the present invention that any suggestion whatsoever of having an open bottom, rather than a form of closed bottom as shown both in Rivera et al and Chen et al could be used.

Claims 1 and 14 are allowable.

With respect to claim 15, the Examiner contends that Rivera et al discloses a support body 16 comprising two rectangular open side frames at opposed sides of the lift cage. This also is incorrect. Rivera et al, particularly in Figures 1 and 2 shows a cage 12 supported by the support body 16. There are no open side frame portions of the support body 16. The support body 16 shows only a single inverted U-shape rear construction formed of a horizontal beam and a pair of vertical beams. Once again, the Examiner is asked to illustrate, in Figs. 1

and 2 of Rivera, where the rectangular open side frames at opposed sides of the lift cage can be found. Reference numeral 12, which identifies a structure in the manner of a rectangular construction, is the car itself, not a supporting frame.

Claim 15 is allowable.

As all independent claims are neither anticipated nor rendered unpatentable by the art of record, and the secondary references have not been asserted by the Examiner to address or further teach any of the deficiencies of the main references as set forth herein, it is respectfully requested that all rejections of all claims be withdrawn and that the present application be passed to allowance.

Respectfully submitted,

SCHWEITZER CORNMAN GROSS & BONDELL LLP

**Customer No. 022831**

Attorneys For Applicant

292 Madison Avenue – 19<sup>th</sup> Floor

New York, NY 10017

Telephone - (646) 424-0770

Facsimile - (646) 424-0770

BY

  
JAY A. BONDELL, ESQ., REG. #28,188

JAB/cw  
ENCL.

**CERTIFICATE UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2007.

Carol L. Wood

